

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

U.S. MATERIAL SUPPLY, INC.,

Plaintiff,

v.

KOREA EXCHANGE BANK, and KEB
NY FINANCIAL CORP., as
successor in interest to Korea
Exchange Bank New York Branch,

Defendants.

HON. JEROME B. SIMANDLE

Civil No. 05-2605 (JBS)

ORDER

This matter is before the Court upon the motions to dismiss under Rule 12(b), Fed. R. Civ. P., by Defendant Korea Exchange Bank [Docket Item 16] and Defendant KEB NY Financial Corp. [Docket Item 5]; and

The Court having considered the parties' submissions in support and opposition; and having heard oral argument at a hearing on February 22, 2006; and

For the reasons stated in the Opinion of today's date;

IT IS this 27th day of February 2006 hereby

ORDERED that the motion to dismiss by Defendant Korea Exchange Bank [Docket Item 16] shall be, and hereby is, **GRANTED** for lack of personal jurisdiction; and Defendant Korea Exchange Bank is hereby **DISMISSED** from this action without prejudice to Plaintiff's right to pursue its claim in a court of competent jurisdiction; and

IT IS FURTHER ORDERED that the motion to dismiss by Defendant KEB NY Financial Corp. [Docket Item 5] shall be, and hereby is, **DENIED**.

s/ Jerome B. Simandle

JEROME B. SIMANDLE
U.S. District Judge